

REMARKS

The Examiner has indicated that Applicant's reply on January 5, 2004, was not fully responsive in that Applicant did not point out disagreements with the Examiner's contentions and did not discuss the references applied against the claims and how the claims avoid the references or distinguish from them.

Applicant believes that the new claims submitted in the aforementioned reply are distinguishable over the cited references and will discuss the cited references hereinbelow. For the reasons set forth below, the Applicant submits that all pending claims are in condition for allowance and allowance of the application is respectfully requested.

Rejections under 35 USC section 103

In the Office Action dated August 5, 2003, claims 1-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell. Applicant notes that the Examiner did not specify which Campbell reference was being cited in the rejection. U.S. Patent No. 5,924,997 to Campbell et al. ("Campbell '997") and U.S. Patent No. 6,245,026 to Campbell et al. ("Campbell '026") have both been made of record in the instant application.

In the reply filed on January 5, 2004, Applicant canceled claims 1-29, without prejudice and submitted new claims 30-58. Independent claim 30 recites a flexible guidewire having a moveable section, at least one receiver attached to the moveable section, and a sensor configured to receive information from the receiver to determine the presence of inflamed plaque based upon the information received. The Campbell references disclose use of a guidewire to image the vessel in conjunction with a thermal sensor catheter or to steer the thermal sensor catheter to a site with the aid of angiography. See Campbell '997, at column 2, lines 47-62, and column 5, lines 36-45. Applicant asserts that neither Campbell '997 nor Campbell '026 teach or suggest a guidewire that is capable of sensing or receiving information from a vessel wall to determine the presence of inflamed plaque based upon the information received. Thus,

Applicant asserts that independent claim 30 and claims 31-41, which are dependent therefrom, are patentable over the cited references.

Independent claim 42 recites a flexible guidewire having at least one receiver configured to receive thermal information from the patient and a sensor configured to receive information from the receiver and based upon the information to determine the presence of inflamed plaque. Applicant asserts that neither Campbell reference anticipate this claim for similar reasons to those outlined above. Neither Campbell '997 nor Campbell '026 disclose a guidewire capable of receiving thermal information to determine inflamed plaque. Thus, Applicant asserts that independent claim 42 and claims 43-50, which are dependent therefrom, are patentable over the cited references.

Independent claim 51 recites a method for determining a temperature at a vessel wall by providing a guidewire having a receiver configured to receive information regarding the vessel wall, transferring the information to a sensor and determining the temperature of the vessel at the receiver. Applicant asserts that neither Campbell reference anticipate this claim for similar reasons to those outlined above. Neither Campbell '997 nor Campbell '026 disclose a guidewire capable of receiving information to determine the temperature of a vessel wall. Thus, Applicant asserts that independent claim 51 and claims 52-54, which are dependent therefrom, are patentable over the cited references.

Independent claim 55 recites a method for locating inflamed plaque on a vessel wall by providing a guidewire having a receiver configured to receive information about the patient and determining the presence of inflamed plaque based upon the information received from the receiver. Applicant asserts that neither Campbell reference anticipate this claim for similar reasons to those outlined above. Neither Campbell '997 nor Campbell '026 disclose a guidewire capable of receiving information to determine the presence of inflamed plaque. Thus, Applicant asserts that independent claim 55 and claims 56-58, which are dependent therefrom, are patentable over the cited references.

In view of the foregoing, Applicant believes the pending claims to be in condition for allowance. Reconsideration and early allowance are respectfully and sincerely solicited.

If it is felt for any reason that direct communication with applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-1329.

Respectfully submitted,



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